IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN

WEDNESDAY, THE 28TH FEBRUARY 2007 / 9TH PHALGUNA 1928

Con.Case(C).No. 162 of 2007(S)

AGAINST THE JUDGEMENT IN WPC.21615/2006

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PETITIONER/PETITIONER

K.K.YASODHA, W/O.LATE NARAYANAN,
AGED 61 YEARS, 44/2236, ASHOKA ROAD, KALOOR,
COCHIN-17.

BY ADV. SRI.C.S.SUNIL

RESPONDENTS: RESPONDENT NO.3 IN THE W.P.

SASIDHARAN PILLAI,
S/O.NOT KNOWN, AGE NOT KNOWN TO THE PETITIONER,
DEPUTY TAHSILDAR (R.R.), KANAYANNUR TALUK,
ERNAKULAM.

THIS CONTEMPT OF COURT CASE (CIVIL) HAVING COME UP FOR ADMISSION ON 28/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

P.R.RAMAN, J.

CONTEMPT CASE (C).NO.162 OF 2007 IN
W.P.(C).NO.21615 OF 2006

Dated this the 28th day of February, 2007

JUDGMENT

The complaint of the petitioner is that in spite of judgment of this Court in W.P.(C). No.21615/2006 produced as Annexure-I, in clear violation of the judgment the respondent herein on 4/1/2007 trespassed into the property of the petitioner and in wilful disobedience of the order of this Court again threatened the petitioner that he would take away her household articles, unless the amount is paid. This is a case where revenue recovery proceedings were initiated against the 5th respondent in the writ petition. No notice was issued to the petitioner. Petitioner's contention is that the property against which proceedings were initiated do not belong to the 5th respondent. In such circumstances, any proceeding initiated against the petitioner or her property

without even giving notice on her is bad in law. The writ petition was eventually disposed of on 22/8/2006. It is made clear that the defaulter being the 5th respondent and in the absence of any notice in the name of the petitioner making her personally liable for any amount due from the 5th respondent-Company, any proceeding initiated against the petitioner or her property will not be legally valid. It is further made clear that if the petitioner's property is proceeded with, it is open to her to approach the District Collector. It is stated that objection has already been filed before the District Collector. In the statement filed by the respondent among other things it is specifically averred as follows:

> "Respondent neither seen the petitioner, never demanded payment of money covered by the recovery notice and never threatened her or attempted to attach the movables of the petitioner's house."

The same is recorded. In such circumstances further proceedings are dropped.

Contempt case is closed.

P.R.RAMAN,
Judge.

kcv.